

# EXHIBIT G

1

2 IN THE UNITED STATES DISTRICT COURT

3 FOR THE SOUTHERN DISTRICT OF NEW YORK

4 THE PHILLIES, a Pennsylvania )  
 5 limited partnership, )  
 6 Plaintiff, )  
 7 vs. ) Civil Action No.  
 8 HARRISON/ERICKSON, ) 19-7239  
 9 INCORPORATED, a New York )  
 10 corporation, HARRISON ERICKSON, )  
 11 a partnership, and WAYDE )  
 12 HARRISON and BONNIE ERICKSON, )  
 13 Defendants. )  
 14 -----)

15 1

16 \*\*\*\*\*CONFIDENTIAL\*\*\*\*\*

17 CONTINUED

18 VIDEOTAPED-TELEPHONIC 30(b)(6) DEPOSITION

19 TAKEN REMOTELY VIA

20 VIDEOCONFERENCE AND TELECONFERENCE

21 OF

22 DAVID RAYMOND

23 Thursday, May 8, 2020

24 VOLUME II

25 Reported by:  
 FRANCIS X. FREDERICK, CSR, RPR, RMR  
 JOB NO. 179939

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<p>Page 2</p> <p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5 May 8, 2020</p> <p>6 1:45 p.m.</p> <p>7</p> <p>8 CONFIDENTIAL continued videotaped</p> <p>9 deposition of DAVID RAYMOND, pursuant to</p> <p>10 Federal Rule of Civil Procedure</p> <p>11 30(b)(6), before Francis X. Frederick, a</p> <p>12 Certified Shorthand Reporter, Registered</p> <p>13 Merit Reporter and Notary Public of the</p> <p>14 States of New York and New Jersey.</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 3</p> <p>1</p> <p>2 A P P E A R A N C E S:</p> <p>3</p> <p>4 (All Counsel and Participants</p> <p>5 present via videoconference and</p> <p>6 teleconference in compliance with</p> <p>7 COVID-1 restrictions.)</p> <p>8</p> <p>9 DUANE MORRIS</p> <p>10 Attorneys for Plaintiff</p> <p>11 30 South 17th Street</p> <p>12 Philadelphia, Pennsylvania 19103</p> <p>13 BY: TYLER MARANDOLA, ESQ.</p> <p>14 DAVID WOLFSOHN, ESQ.</p> <p>15</p> <p>16 MITCHELL SILBERBERG &amp; KNUPP</p> <p>17 437 Madison Avenue</p> <p>18 New York, New York 10022</p> <p>19 BY: PAUL MONTCLARE, ESQ.</p> <p>20 LEO LICHTMAN, ESQ.</p> <p>21 - and -</p> <p>22 MITCHELL SILBERBERG &amp; KNUPP</p> <p>23 1818 N Street NW</p> <p>24 Washington, DC 20036</p> <p>25 BY: MATTHEW WILLIAMS, ESQ.</p>
<p>Page 4</p> <p>1</p> <p>2 A P P E A R A N C E S: (Cont'd.)</p> <p>3</p> <p>4 ALSO PRESENT:</p> <p>5 ROBERT RINKEWICH, Videographer</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 5</p> <p>1 ROUGH DRAFT- NOT A FINAL TRANSCRIPT</p> <p>2 THE VIDEOGRAPHER: Good afternoon.</p> <p>3 My name is Robert Rinkewich. I'm the</p> <p>4 legal videographer in association with</p> <p>5 TSG Reporting, Inc. Due to the severity</p> <p>6 of the COVID-19 and following the</p> <p>7 practice of social distancing, I will</p> <p>8 not be in the same room with the</p> <p>9 witness. Instead, I will record this</p> <p>10 videotaped deposition remotely. The</p> <p>11 reporter, Francis Frederick, also will</p> <p>12 not be in the same room and will swear</p> <p>13 in the witness remotely. Will all</p> <p>14 parties stipulate to the validity of</p> <p>15 this video recording and remote swearing</p> <p>16 and that it will be admissible in the</p> <p>17 courtroom as if it had been taken</p> <p>18 following Rule 30 of the Federal Rules</p> <p>19 of Civil Procedure and the state rules</p> <p>20 where this case is pending?</p> <p>21 MR. MONTCLARE: So stipulated on</p> <p>22 behalf of the defendants.</p> <p>23 MR. MARANDOLA: Tyler Marandola</p> <p>24 for The Phillies. We also agree.</p> <p>25 THE VIDEOGRAPHER: Thank you.</p>

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<p style="text-align: right;">Page 30</p> <p>1 ROUGH DRAFT- NOT A FINAL TRANSCRIPT</p> <p>2 question, please.</p> <p>3 BY MR. MONTCLARE:</p> <p>4 Q. Finish your answer, sir.</p> <p>5 MR. MARANDOLA: Mr. Raymond --</p> <p>6 MR. MONTCLARE: And I'm going to</p> <p>7 move to exclude this entire testimony</p> <p>8 and say that this witness was never</p> <p>9 produced and you're going to be</p> <p>10 precluded because of that very</p> <p>11 interruption.</p> <p>12 But you may now finish and please</p> <p>13 finish the way you were going to finish</p> <p>14 before the objection was made.</p> <p>15 Q. You may continue.</p> <p>16 MR. MARANDOLA: Mr. Raymond, you</p> <p>17 can testify about -- to your personal</p> <p>18 capacity as to the costume. You're here</p> <p>19 as a designee of the Phillies as to</p> <p>20 character.</p> <p>21 A. Right. So I was making the</p> <p>22 distinction that we were talking about the</p> <p>23 costume and/or the design of the costume; that</p> <p>24 Harrison/Erickson created that at the -- at</p> <p>25 the instruction of the Philadelphia Phillies</p>	<p style="text-align: right;">Page 31</p> <p>1 ROUGH DRAFT- NOT A FINAL TRANSCRIPT</p> <p>2 and collaborated with Bill Giles in order to</p> <p>3 come up with that drawing. From that drawing</p> <p>4 a costume was created. And that the costume</p> <p>5 was delivered to The Phillies.</p> <p>6 And then from that point forward</p> <p>7 The Phillies took that costume and brought it</p> <p>8 to light with a personality. And that was my</p> <p>9 answer.</p> <p>10 Q. My answer is a different -- let me</p> <p>11 follow up. I heard your answer. It's on the</p> <p>12 record. And so was the interruption.</p> <p>13 A. Okay.</p> <p>14 Q. My question, I'll say it a</p> <p>15 different way this time.</p> <p>16 What if any were the creative</p> <p>17 contributions made by Harrison/Erickson to the</p> <p>18 Phanatic character?</p> <p>19 A. I answered that question. The</p> <p>20 character in terms of the costume and the</p> <p>21 drawing that the costume was produced from,</p> <p>22 Bonnie and Wade were vendors were hired to do</p> <p>23 those actual things and the actual drawing was</p> <p>24 created through a collaboration between Bill</p> <p>25 Giles and Bonnie Erickson. That collaboration</p>
<p style="text-align: right;">Page 32</p> <p>1 ROUGH DRAFT- NOT A FINAL TRANSCRIPT</p> <p>2 produced a drawing that both entities decided</p> <p>3 or The Phillies that that -- we will take that</p> <p>4 one with that instruction we'll take that</p> <p>5 drawing, build a costume that looks like that</p> <p>6 drawing. Then Harrison/Erickson built the</p> <p>7 costume based on the collaborative effort</p> <p>8 between Bonnie and Bill. And that costume was</p> <p>9 created. And then The Phillies took it, named</p> <p>10 it the Phillie Phanatic and then put all of</p> <p>11 their commitment, all of their budget and all</p> <p>12 of their expertise into building the</p> <p>13 personality which is the other half of what's</p> <p>14 described as a character that is what brought</p> <p>15 the character to life.</p> <p>16 Prior to that, the costume was</p> <p>17 hanging on a rack in Frank Sullivan's office.</p> <p>18 So as I mentioned before --</p> <p>19 Q. Excuse me --</p> <p>20 MR. MARANDOLA: Don't interrupt</p> <p>21 the witness.</p> <p>22 A. Would you like me to finish?</p> <p>23 Q. I thought you were finished.</p> <p>24 A. No, I wasn't finished.</p> <p>25 MR. MARANDOLA: No, I wasn't</p>	<p style="text-align: right;">Page 33</p> <p>1 ROUGH DRAFT- NOT A FINAL TRANSCRIPT</p> <p>2 finished.</p> <p>3 Q. Go ahead. Keep going.</p> <p>4 A. Prior to that, before all of that</p> <p>5 work by The Phillies and all that support and</p> <p>6 all that commitment, it was a costume, a suit.</p> <p>7 Just like clothing hanging on a rack in Frank</p> <p>8 Sullivan's office. That was the extent of</p> <p>9 what Ms. Erickson and Mr. Harrison created.</p> <p>10 That costume from the drawing that was a</p> <p>11 collaboration between Bill Giles, The</p> <p>12 Phillies, and the Bonnie.</p> <p>13 From that point forward it would</p> <p>14 have remained a costume sitting on the rack</p> <p>15 and not one of the most famous mascots in the</p> <p>16 history of sports. That was all the Phillies'</p> <p>17 doing. It wasn't the doing of it Bonnie Wade</p> <p>18 -- of Bonnie and Wade. It's the simple.</p> <p>19 That's my answer.</p> <p>20 Q. All right. Well, I have to follow</p> <p>21 up now, try to disconnect all these things and</p> <p>22 ask questions so I can understand.</p> <p>23 First of all, were you ever</p> <p>24 present when Bill Giles was collaborating with</p> <p>25 Harrison/Erickson?</p>

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<p style="text-align: right;">Page 34</p> <p>1 ROUGH DRAFT- NOT A FINAL TRANSCRIPT</p> <p>2 A. No, I was not.</p> <p>3 MR. MARANDOLA: Objection, outside</p> <p>4 the scope of the 30(b)(6) it's no.</p> <p>5 MR. MONTCLARE: This is</p> <p>6 outrageous. Outrageous. From now on</p> <p>7 this is what you say I'll make a deal.</p> <p>8 When you want to make the long-winded</p> <p>9 objection that you may be about 55 times</p> <p>10 yesterday and took about the 55 minutes</p> <p>11 to do it, will you please just say</p> <p>12 outside the scope and I'll know what you</p> <p>13 mean you don't have to go through the</p> <p>14 oleyl routine. Do we have an agreement</p> <p>15 on that.</p> <p>16 MR. MARANDOLA: We don't. I'll</p> <p>17 make my own objections. I won't</p> <p>18 interrupt your examination.</p> <p>19 MR. MONTCLARE: So just so you</p> <p>20 know I'm going to take the position that</p> <p>21 from here on we are not going to pay --</p> <p>22 we're going to seek damages and costs</p> <p>23 for the amount of space that your</p> <p>24 objections take because I offered a</p> <p>25 shorthand and you refused to give it.</p>	<p style="text-align: right;">Page 35</p> <p>1 ROUGH DRAFT- NOT A FINAL TRANSCRIPT</p> <p>2 It's just absolutely to cut down the</p> <p>3 amount of time. And as far as I'm</p> <p>4 concerned every objection that you make</p> <p>5 from here on in should not be included</p> <p>6 in the time of this deposition.</p> <p>7 BY MR. MONTCLARE:</p> <p>8 Q. Okay. So the question -- there</p> <p>9 was a question.</p> <p>10 MR. MONTCLARE: Can someone read</p> <p>11 back that question, please, and I would</p> <p>12 like an answer.</p> <p>13 (Record read.)</p> <p>14 MR. MARANDOLA: The objection is</p> <p>15 outside the scope of the 30(b)(6) notice</p> <p>16 but Mr. Raymond could answer through</p> <p>17 this personal knowledge.</p> <p>18 BY MR. MONTCLARE:</p> <p>19 Q. Just answer the question, whatever</p> <p>20 knowledge you have.</p> <p>21 Did you talk to Mr. Giles about</p> <p>22 this issue before come to testify today on</p> <p>23 behalf of The Phillies?</p> <p>24 MR. MARANDOLA: Objection, vague,</p> <p>25 "this issue."</p>
<p style="text-align: right;">Page 36</p> <p>1 ROUGH DRAFT- NOT A FINAL TRANSCRIPT</p> <p>2 Q. The issue about Giles</p> <p>3 collaborating with the Harrison/Erickson</p> <p>4 people that you never saw. Did you ever talk</p> <p>5 to him about it in connection with preparing</p> <p>6 for this deposition?</p> <p>7 A. No, I did not.</p> <p>8 Q. Did you ever look for any</p> <p>9 documents relating to that collaboration</p> <p>10 within the books and records of The Phillies</p> <p>11 before coming to this deposition?</p> <p>12 A. No, I did not.</p> <p>13 Q. Now, isn't it correct that you</p> <p>14 never performed the Phanatic character outside</p> <p>15 of the Phanatic costume; is that correct?</p> <p>16 MR. MARANDOLA: Objection, vague.</p> <p>17 A. I don't understand that question.</p> <p>18 Q. You never -- all the creative</p> <p>19 contributions that the Phillies say that they</p> <p>20 had a right to were always the result of</p> <p>21 performances made by the actor inside the</p> <p>22 Phanatic costume, correct?</p> <p>23 MR. MARANDOLA: Objection, vague.</p> <p>24 Objection, asked and answered.</p> <p>25 Q. You may answer.</p>	<p style="text-align: right;">Page 37</p> <p>1 ROUGH DRAFT- NOT A FINAL TRANSCRIPT</p> <p>2 A. I don't -- I completely don't</p> <p>3 understand the question. I really don't.</p> <p>4 Q. Okay. All right. So in this case</p> <p>5 you've testified about what the creative</p> <p>6 contributions were of The Phillies and so on</p> <p>7 behalf of The Phillies with respect to the</p> <p>8 creation of the Phanatic character.</p> <p>9 My question is did you ever use</p> <p>10 the Phanatic character that you created</p> <p>11 outside of the Phanatic costume?</p> <p>12 MR. MARANDOLA: Objection, vague.</p> <p>13 A. Prior to my work with The Phillies</p> <p>14 or --</p> <p>15 Q. No. At any time did you ever --</p> <p>16 you're claiming that you created a character.</p> <p>17 A. Right.</p> <p>18 Q. Did you ever perform that</p> <p>19 character outside of the Phanatic costume?</p> <p>20 A. Yeah.</p> <p>21 MR. MARANDOLA: Objection, vague.</p> <p>22 Objection, asked and answered.</p> <p>23 Q. And when was that?</p> <p>24 A. It was a part of me and was always</p> <p>25 made a part of me. I danced. I loved the</p>